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James Freas
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PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 10, 2015
Land Use Action Date: March 31, 2015
Board of Aldermen Action Date: April 14, 2015
90-Day Expiration Date: June 1, 2015

DATE: March 6, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #480-14**, STEPHEN VONA petition to rezone **283 Melrose Street**, known also as Section 41, Block 14, Lot 10, containing approximately 43,783 square feet of land, from MULTI-RESIDENCE 1 to MIXED USE 4.

Petition #480-14(2), STEPHEN VONA, for a SPECIAL PERMIT/SITE PLAN APPROVAL to restore and expand an existing structure known as the Turtle Lane Playhouse to provide a mix of uses including preserving the theater use, adding a street-level restaurant with office space above, and constructing a separate 23-unit multi-family structure with a below grade parking garage for 30 cars at **283 Melrose Street**, Auburndale, Ward 4, on land known as SBL 41, 14, 10, containing approx. 43,783 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-13(h)(2) Table B, 30-13(j)(1),(2),(3), 30-15(w)(1) and (4)(a) and (b), 6(b), 30-5(b)(4), 30-19(d)(2), (11), (13), (18), 30-19(k), and (m) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



283 Melrose Street

EXECUTIVE SUMMARY

The property at 283 Melrose Street consists of a 43,783 square foot corner lot in a Multi-Residence 1 zoning district (MR1), improved with a vacant 2½ -story building and a parking lot. The site was formerly occupied by the Turtle Lane Playhouse, which operated as a theatre company for more than 30 years before closing in 2013. The petitioner is proposing to rehabilitate the theatre space, to construct a 2½-story addition to the existing building to be used for a restaurant with 60 seats and an office, and to construct a new three-story 23-unit residential building with 30 underground parking stalls. To develop the site as proposed, the petitioner is proposing to rezone the site from an MR1 to a Mixed Use 4 (MU4) zoning district, and is seeking a special permit for relief from a number of requirements in the Newton Zoning Ordinance (NZO) related to the proposed use and site plan, as detailed in the Zoning Review Memorandum (**ATTACHMENT A**).

The petitioner submitted a Traffic Impact and Access Study (TIAS) prepared by Vanasse Hangen Brustlin, Inc. (VHB) (**ATTACHMENT B**), which in the Executive Summary finds that the “site generated traffic will not have a significant effect on traffic operations within the study area and that transportation infrastructure in the area, in conjunction with the proposed improvements can adequately accommodate the traffic volumes projected.” The petitioner did not submit an analysis of the parking demand generated by the proposed uses or of the availability of on-street parking in the neighborhood. The petitioner is requesting a waiver for six of the parking stalls required for the office use, all of the parking stalls for the restaurant use, and a 1/3 reduction in the parking requirement for the residential building.

The Planning Department engaged a peer reviewer to review the assumptions and methodologies used in the TIAS. The peer review report will be completed prior to the next scheduled public hearing. To understand the off-site impacts of the project with regards to parking, the Planning Department has requested an analysis from the petitioner. The analysis should explain how the parking for the various uses will be accommodated given the large number of waivers being requested, and whether there are opportunities for off-site parking. The analysis should also address the availability of on-street parking in the immediate area.

The Engineering Division Memorandum (**ATTACHMENT C**) requests additional information relating to engineering issues, which has not been provided as of the date of this memo. The petitioner should provide such information prior to the next scheduled public hearing, so that the Engineering Division is able to complete their review.

While there are several key issues that the petitioner must address, the Planning Department believes that there are several benefits to this project which advance certain goals of the *Newton Comprehensive Plan*, adopted in 2007 by the Board of Alderman, including the restoration of the Turtle Lane Playhouse, which is a unique and valuable cultural asset to the City, and the diversification of the City’s housing stock by providing smaller units and a mixture of bedroom types. In addition, the site is an appropriate location for a mixed use development

because of its transitional location between the commercial center of Auburndale's village center and the surrounding neighborhood, and because of its proximity to basic amenities and public transportation, all of which reflect principles of smart growth. The Planning Department believes that the rezoning of the site to Mixed Use 4 meets the purposes of the district as stated in the NZO.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed rezoning from MR1 to MU4 is appropriate and the project as proposed meets the purposes of the district as stated in the Newton Zoning Ordinance.
- The specific site is an appropriate location for the proposed theatre, restaurant, office, and multi-family uses. (§30-24(d)(1))
- The proposed project as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
- There will be no nuisance or serious hazard to vehicles or pedestrians (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))
- The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§30-24(d)(5))
- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§30-19(m))
- The proposed site plan and building form is compatible with the neighborhood context, in that the proposed project improves the pedestrian environment through design, additional building setback from the public way, creation of beneficial open space, and/or improves to the public way, including plans for their maintenance and use, and that the proposed uses enhance the commercial and civic vitality in the vicinity of the site. (§30-13(j))
- The proposed mixture of commercial and street-level residential uses will encourage an active, pedestrian oriented streetscape throughout the day and week, fills a demonstrated need for the use within the vicinity, and is not inconsistent with the purpose of this section §30-13(h)(1) or the comprehensive plan. (§30-13(h)(1))

- The proposed building height is compatible in visual scale to its surroundings, does not adversely affect nearby properties by creating shadows or blocking views, and advances the purposes of §30-13(h)(1). (§30-15(w)(1))
- The proposed setbacks for the residential building can better protect the surrounding community from shadows and blocked views, support pedestrian vitality, and encourage the purposes of §30-13(h)(1) than the strict compliance with the setback requirements. (§30-15(w)(4)).
- The proposed site plan can better enable appropriate uses of the site, support pedestrian vitality, and achieves the purpose of §30-13(h)(1) than strict compliance with the requirements of §30-15(w)(6)). (§30-15(w)(6))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located at the corner of Melrose Street and Ash Street, and is within a two-minute walk of Auburndale's village center. The site is located in a mixed use neighborhood, with commercial uses to the east on Auburn Street, Commonwealth Avenue, and Lexington Street, and residential and nonprofit uses to the west and north (**ATTACHMENT D**). The site is surrounded by a variety of zoning districts that include Single Residence 3, Multi-Residence 1, 2, and 3, Business 1, and Public Use. The site itself is zoned as Multi-Residence 1 (**ATTACHMENT E**).

The site is located within walking distance of Auburndale's commuter rail station and several bus routes that access other parts of the community and downtown Boston. The site is also proximate to the Massachusetts Turnpike and Interstate 95. The site is located in a smart growth/transit-oriented neighborhood based on its proximity to multiple transportation options and basic amenities.

B. Site

The site consists of a 43,783 square foot corner lot, improved with a 2½-story structure constructed circa 1850 and a parking lot. Over time, portions of the existing structure have been altered from its original form. The structure was occupied by a theatre company, known as the Turtle Lane Playhouse, since 1978.

The site is currently accessed by vehicles from a two-way driveway on Melrose Street. The site is relatively flat with modest amounts of vegetation and fencing along portions of the property lines. There are no sidewalks along the frontage on Melrose Street.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to restore the existing theatre and continue its use; to construct an addition to the existing building to be used for a 2,900 square foot office space and a restaurant with 60 seats; and to construct a new multi-family building with 23 residential units. For purposes of comparison and to better understand the scale of the proposed restaurant and office uses, the size of a 60-seat restaurant would be similar to the Rox Diner in Newtonville, and an office space with 2,900 square feet would employ approximately 11 employees. The petitioner is also proposing to maintain the existing office space above the theatre, which is approximately 1,400 square feet.

In order to allow this mix of uses, the petitioner is proposing to rezone the lot from MR1 to MU4, which is reflective of the diverse mix of uses in the area and the physical characteristics of the adjacent village center. As stated in §30-13(h) of the NZO, the purpose of the MU4 district is to:

- Allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's Comprehensive Plan;
- Encourage development that fosters compact, pedestrian oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment;
- Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community;
- Expand the diversity of housing options available in Newton;
- Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

While the proposed project achieves many of the purposes of the district, it still requires a number of special permit reliefs for the proposed uses and site plan. In terms of the proposed uses, the petitioner is seeking relief to allow a restaurant with more than 50 seats, to allow residential units on the ground floor, to allow a theatre use, and for site plan review for a project with more than 20,000 square feet of gross floor area. The Planning Department believes this relief is appropriate given the site's unique location as a corner lot that borders a commercial area and residential/nonprofit area. The inclusion of residential units on the ground floor allows a buffer and transition between the residential use to the north and the new commercial uses.

The multi-family building will consist of two studio units, 16 one-bedroom units and five two-bedroom units. The proposed units will be modestly sized, as illustrated in the table below.

| | Studio | One-Bedroom | Two-Bedroom |
|------------|--------------|--------------|----------------|
| Quantity | 2 | 16 | 5 |
| Size Range | 463-480 s.f. | 632-862 s.f. | 942-1,077 s.f. |

The proposed bedroom mix will advance a goal of the *Newton Comprehensive Plan* (the “*Comprehensive Plan*”) to diversify the City’s housing stock, as most new residential projects create units with at least three bedrooms.

Overall, the Planning Department believes that this project presents a unique opportunity to provide an infill development proximate to public transportation and amenities, while also preserving a valuable use that has been in operation for more than 30 years, and would be financially challenging to operate in most locations. The Planning Department believes that the proposed uses will complement each other in terms of their peak hours, as the theatre use and restaurant use will be most active during evening hours, whereas the office use will be most active during the daytime hours. While the mix of uses will support shared parking, the petitioner stills needs to address the impact on surrounding streets. For these reasons, the Planning Department believes that the proposed uses meet the purposes of the MU4 zoning district, and contribute to the goals of the *Comprehensive Plan* relating to housing, smart growth and place making.

B. Building and Site Design

The petitioner is proposing to restore the existing theatre with architectural features that enhance and recreate historic aspects of the building, and to construct an approximately 10,000 square foot addition (including below grade) to the existing building that will accommodate the office and restaurant uses and additions to the theatre. The below grade level will serve as storage and prep space, and restrooms for the theatre and restaurant. The proposed renderings and elevations illustrate the way in which the facades of the theatre building will transition from the historic structure to the more modern and partially brick addition, which picks up elements of the architectural style of other brick buildings along Auburn Street. The addition then transitions back to the more traditional architecture on Melrose Street to be sympathetic towards the proposed residential building. The site plan also shows outdoor seating for the restaurant and a trellised canopy attached to the building at the corner of Ash Street and Melrose Street. Overall, the Planning Department believes that the proposed theatre/commercial building successfully transitions between its historic and modern features and reflects the context of the

surrounding buildings.

The petitioner is also proposing to construct a separate three-story multi-family building along the northern property line with a 30-stall underground parking facility. The parking facility will be accessed from a new driveway off of Ash Street. The building will be setback from the front property line (Melrose Street) by approximately 23 feet, the side property by 19.5 feet and the rear property line by 21 feet. The side and rear setback to foundation and the underground garage will be 11.2 feet and .3 feet, respectively. The building height for most of building will be 33 feet, which is similar to the height of the theatre/commercial building. In order to break up the mass of what will be a large building, the petitioner has incorporated steep gable roofs, articulated the building façade, and stepped down the roof height at the rear of the building. The elevations and renderings also appear to include some modest architectural details such as paired brackets and vertical boards; however these details are not identified on the plans. The Planning Department recommends that the petitioner identify all materials (e.g. exterior cladding) and architectural details on the plans.

In terms of the site plan, the petitioner is proposing to create two new driveways off of Ash Street, including a one-way driveway (entrance) and a one-way driveway (exit), and to make the driveway on Melrose Street a one-way exit. The site plan indicates seven parking stalls in front of the theatre, 17 parking stalls between the buildings, and 30 parking stalls in residential building's garage. The vehicle circulation on the site will function such that all cars enter the site from Ash Street, and either park in front of the theatre; exit back onto Ash Street; continue around the theatre building to enter the residential building's underground parking garage; or, continue around the theatre building and either park in the surface lot between the buildings or exit onto Melrose Street. The proposed site plan also shows pedestrian walkways along most portions of the building; a new sidewalk on Melrose Street; and new landscaping along the frontage of the property, along the north side of the residential building, and along portions of the west side property line.

The proposed site plan requires zoning relief from the maximum front setback for the residential building, the minimum amount of clear windows on the first floor, the minimum side and rear setback for the residential building, and the maximum building height. The purpose of the first two of these requirements relate to creating an urban form and activated streetscape in a MU4 district, which in reference to this particular lot, may not provide an adequate transition from the residential portion of Melrose Street to the north to the proposed restaurant use on the corner. As such, the Planning Department believes that relief from these requirements is appropriate. The relief for the side and rear setbacks and building height relate to the impact of the bulk and mass of the building. The Planning

Department recommends that the petitioner provide a shadow study to illustrate the impact of the proposed building on the abutting residential properties.

C. Inclusionary Housing

The petitioner indicated that they will provide affordable housing units in order to meet the provisions under Inclusionary Zoning, §30-24(f), which requires that no fewer than 15% of the number of dwelling units are designated as affordable. The petitioner will work with city staff to ensure that the units meet all the provisions established in §30-24(f). The Planning Department also suggests that the petitioner present their project to the Newton Housing Partnership at their next scheduled meeting.

D. Traffic and Parking

The Traffic Impact and Access Study (TIAS) analyzed vehicle trips generated by the project, the impact on the Levels of Service (LOS) at various intersections, and sight lines. The TIAS finds that the project will add approximately 472 new weekday trips, including 45 site-generated trips during the peak weekday morning hour (7:45 am to 8:45 am) (21 entering/24 exiting) and approximately 59 trips (30 entering/29 exiting) during the peak weekday evening hour (5:00 pm to 6:00 pm). The TIAS finds that the project will add approximately 526 trips during Saturdays, including 150 site-generated trips during the peak Saturday hour (12:00 pm to 1:00 pm). In terms of the impact on the LOS, the study finds modest increases in delays at certain intersections under the 2022 build scenario. The TIAS finds the sight distance is adequate at all driveway exits. The Planning Department notes that TIAS identifies the office space as 2,600 square feet in its executive summary, whereas the floor plans indicate that the office space will be approximately 2,900 square feet. It does not appear that this discrepancy would materially impact the conclusions of the TIAS.

The Planning Department engaged a peer reviewer to analyze the assumptions and methodologies used in the TIAS, and to provide information on the parking demand for similar mixed-use projects in the Boston metro area. The TIAS was not received in time for the peer reviewer to complete their work, however, the Planning Department expects to have their report prior to the next scheduled public hearing.

The petitioner did not provide a parking analysis for the project, which requires a waiver of approximately six parking stalls for the office use, 22 stalls for the restaurant use, and a 1/3 reduction in the parking requirement for the residential building. The theatre use has a parking requirement under the NZO of 70 stalls, which is grandfathered and does not require a waiver. The Planning Department is concerned that the number of proposed parking stalls is insufficient for the parking demand when the theatre and restaurant are in use. The combined

parking requirement for these two uses under the NZO is more than 90 parking stalls whereas only 24 stalls are provided in the proposed site plan. The Planning Department believes that the 30 parking stalls provided for the 23 residential units is reasonable, as most of the residential units are modestly sized one-bedroom units, and the site is proximate to public transportation. The Planning Department requested a parking analysis from the petitioner, which should explain how the parking for the various uses will be accommodated given the large number of waivers being requested, and whether there are opportunities for off-site parking within walking distance of the site. The analysis should also address the availability of on-street parking in the immediate area.

The Planning Department recommends that the petitioner provide bicycle parking facilities on the site, as it is an important aspect of encouraging alternative forms of transit.

E. Landscape Screening

The petitioner submitted a landscape plan showing deciduous plantings and a six-foot fence along most portions of the side property lines, and street trees along the streetscape. The Planning Department suggests additional plantings along the property line at the rear of the residential building to provide additional screening. The Planning Department notes that there may be challenges to planting in this area as the foundation of the residential building extends close to the property line at the rear of the building. The petitioner should identify the number and caliper inches of trees to be planted and removed as part of the project, and how the existing trees will be protected.

F. Signage

The petitioner did not submit a signage plan, but has indicated that they will comply with the design requirements of the NZO.

G. Lighting

The petitioner submitted a lighting plan indicating that lighting from the site will not extend onto adjacent residential properties. The petitioner should submit full specifications of the proposed lighting fixtures, to ensure the proposed fixtures are sympathetic to the context of the surrounding neighborhood.

H. Newton Comprehensive Plan

The proposed project meets several of the goals established in the *Comprehensive Plan*, including creating a diverse housing stock, adding affordable housing units, and encouraging a mix of uses near the City's transit nodes and village centers. These goals are summarized in following statements from Chapter 3:

- *"We need to encourage retention of existing housing and development of new housing that supports village centers, that is focused on public transportation, that increases the City's affordable housing stock, or that further enhances the existing character and diversity of housing types"*¹
- *"Encourage mixed uses in business area and village commercial centers, particularly where public transportation is available."*²
- *"Development considerations should also give weight to the classic "smart growth" principles of guiding growth to where it is best served by public transit, where it is closest to businesses..."*³

The proposed project also provides for the restoration the Turtle Lane Playhouse, which was a use unique to the City and more specifically to Auburndale. Chapter 9 of the *Comprehensive Plan* addresses the importance of the City's historic structures and places, noting that *"For achieving many of Newton's long-term goals, the best thing to do with the City's history will sometimes be to learn from and improve on it, or even restore what we have lost, rather than simply preserving what we still have."*⁴

The *Comprehensive Plan* also addresses the importance of the impact of development on neighborhoods, and states that *"We seek to assure development densities well related to both neighborhood character and infrastructure capacity."*⁵ As such, it is important that this project is developed with the appropriate bulk and mass, and that the parking and traffic demands from the various uses can be accommodated without adversely affecting the surrounding neighborhood.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT A**) provides an analysis of the proposal with regard to zoning. The Planning Department notes that the petitioner made adjustments to the plans after the Chief Zoning Code Official had issued the Zoning Review Memorandum, such as reducing the number of seats in the restaurant and reducing the number of residential units. The Chief Zoning Code Official is reviewing the plans and will update the Zoning Review Memorandum prior to the next scheduled public hearing. At this time, the

¹ *Newton Comprehensive Plan*, 2007. Page 3-22

² *Newton Comprehensive Plan*, 2007. Page 3-28

³ *Newton Comprehensive Plan*, 2007. Page 3-33

⁴ *Newton Comprehensive Plan*, 2007. Page 9-8

⁵ *Newton Comprehensive Plan*, 2007. Page 1-3

Planning Department does not expect the revisions will require the petitioner to seek additional zoning relief. The petitioner is seeking the following reliefs:

- §30-13(h)(2), Table B, to allow a restaurant with more than 50 seats
- §30-13(h)(2), Table B, to allow a multi-family dwelling with units at street level
- §30-13(h)(2), Table B, to allow a theater
- §30-13(j)(1-3), to allow aggregate building size in excess of 20,000 square feet of gross floor area
- §30-15(w)(1), to allow building height of 36 feet
- Section 30-15(w)(4)(a), to allow a front setback of greater than ten feet
- §30-15(w)(4)(b), to waive the side and rear setbacks of less the 20 feet abutting a MR1 district
- §30-15(w)(6)(b), to waive the 60% transparency requirement for the building facades
- §30-5(b)(4), to allow a retaining wall in excess of four feet in the setback
- §30-19(d)(2), §30-19(m) to permit a reduction from two to 1.25 parking stalls/dwelling unit in an apartment house
- §30-19(d)(11), §30-19(d)(18), §30-19(m) to waive six required parking stalls required for office use
- §30-19(d)(13), §30-19(d)(18), §30-19(m), to waive all required parking stalls for restaurant use
- §30-19(k), §30-19(m), to waive the requirement for bicycle parking facilities

B. Engineering Review

The Engineering Division Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to engineering issues. The Engineering Division memorandum indicates that additional information is necessary in order for them to complete their review. The petitioner should provide the necessary information to the Engineering Division prior to being scheduled for another public hearing.

C. Newton Historical Commission Review

The petitioner filed a demolition review application with the Newton Historical Commission ("NHC") for the proposed alterations to the existing building (partial demolition) (**ATTACHMENT F**). NHC held a meeting and public hearing on January 23, 2014, and found the property to be preferably preserved.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum, including:

- Respond to the issues raised in the Engineering Memorandum and provide supplemental information requested;
- Respond to the concerns raised by the Planning Department relating to parking;
- Identify the building materials and architectural details on the elevations;
- Provide a shadow study;
- Provide lighting fixture specifications;
- Submit a site plan with signoff from the Fire Department;
- Submit an analysis of the number and caliper and of trees removed and planted, and provide a tree protection plan, as applicable;
- Identify locations for bicycle parking facilities on the site;
- Identify how snow storage will be addressed;
- Identify whether overhead wires can be undergrounded at the site.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum
Attachment B: Traffic Impact and Assessment Study
Attachment C: Engineering Memorandum
Attachment D: Land Use Map
Attachment E: Zoning Map
Attachment F: Newton Historical Commission Decision



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ATTACHMENT A

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: May 21, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney
Stephen Vona, applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a zone change from Multi-Residence 1 to Mixed Use 4, and subsequent special permits for a mixed use building with office, restaurant and theatre use, and a multi-family dwelling with 26 units, and associated parking waiver

| Applicant: Stephen Vona | |
|--------------------------|---|
| Site: 283 Melrose Street | SBL: 41014 0010 |
| Zoning: MU4 (from MR1) | Lot Area: 43,773 square feet |
| Current use: Theatre | Proposed use: Theatre, office, restaurant and residential |

BACKGROUND:

The property at 283 Melrose Street is situated at the corner of Melrose and Ash Streets in Auburndale. The lot consists of 43,773 square feet in a MR1 zone. The existing structure was built circa 1850 as a single-family residence by Abijah S. Johnson, a prominent figure in the development of Auburndale. During the last quarter of the 19th century it was used as a boarding house. The structure was converted into The Auburndale Club, a local social and fraternal organization in 1920, and used as such until a new owner requested a variance in 1978 to use the building to hold theatre productions. It then became known as The Turtle Lane Playhouse and held productions until 2013, when the property was sold to the current owner.

The applicant is proposing to restore and expand the existing structure to provide a mix of uses including preserving the theater use for productions, as well as adding a street-level restaurant and office space above. In addition, the applicant is proposing to erect a separate 26-unit multi-family structure with a below grade parking garage for 30 cars.

The property is currently zoned Multi-Residence 2 (MR2). A variance was issued in 1978 allowing the theater use, and a special permit issued in 1980 expanded the theater use to allow service of alcoholic beverages. The underlying zoning allows single- and two-family dwelling uses by right. A special permit could allow for multi-family dwellings, attached dwellings and philanthropic uses, but not for the mix of uses proposed by this application. The applicant explored which district would allow the project to proceed, and found that a zoning change to Mixed Use 4 (MU4) is the most appropriate option. MU4 allows for a mix of uses including those proposed by this application. Even with the proposed zone change, several waivers will be required via special permits.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Terrence Morris, attorney, dated 4/7/2014
- Board Order #54-78 dated 12/27/1978
- Board Order #598-80 dated 11/24/1980
- Board Order # 29-88 dated 3/28/1988
- Plan Set, prepared by Schnee Architects, Inc, dated 2/21/2014
 - Overall ground level
 - Building A/B – L1
 - Building C – Parking
 - Parking C – L1
 - Building C – L2
 - Building C – L3

ADMINISTRATIVE DETERMINATIONS:

1. Section 30-13(h)(2), Table B establishes the allowed uses in the MU4 district. According to this table, the second floor office space is allowed by right.
2. The applicant is proposing a 100-seat restaurant. According to section 30-13(h)(2) Table B, a special permit is required for a restaurant with greater than 50 seats.
3. Should the applicant desire to stay open anytime between 11:30 p.m. and 6:00 a.m., a special permit is required per section 30-13(h)(2) Table B.
4. According to section 30-13(h)(2), Table B, a special permit is required for multi-family dwelling units at street level. The applicant is proposing a 26-unit multi-family dwelling to the rear of the property, with street-level units. A special permit is required.
5. A variance was granted in 1978 to permit the Auburndale Club, a fraternal organization, to present theater productions. At that time, the Club intended to continue to use the premises for club activities at least once a month. The Club is no longer in existence, and the theatrical productions of the Turtle Lane Playhouse have ceased. According to section 30-13(h)(2,) Table B, a special permit is required for a theater.
6. The applicant is proposing an aggregate 43,494 square feet of gross floor area between the two buildings. Section 30-13(j)(1-3) requires a special permit for additions and proposed buildings which contain individually or in the aggregate 20,000 square feet of gross floor area.

7. The applicant is proposing a building height of 36 feet and three stories, which requires a special permit per sections 30-15 Table 3, and 30-15(w)(1).
8. According to sections 30-15, Table 3 and 30-15(w)(4), the maximum front setback in the MU4 district is 10 feet. The applicant is proposing a 15.3 foot setback from Ash Street and a 1.8 foot setback from Melrose Street. To allow a 15.3 foot setback requires a special permit from the Board of Aldermen.
9. Per section 30-15(w)(4)b), the side and rear setbacks for a property abutting a residential district shall be no less than 20 feet. The applicant is proposing an 11 foot side setback and a 15 foot rear setback, both of which require a special permit to waive the setback requirements.
10. Section 30-15(w)(6)b) requires a minimum of 60% of the street-facing building façade between two and eight feet above the street-level floor to consist of clear windows allowing views of indoor space and display areas. The applicant requests a waiver from this section.
11. Section 30-24(f)(2) requires that a project requiring a special permit for residential or mixed use development including residential development beyond that allowable as of right or totaling more than two new additional units be subject to the inclusionary housing provisions. The ordinance requires that the project provide no fewer than 15% of the number of dwelling units proposed to be added by the development. The applicant is proposing to provide four affordable units out of the 26 units for rental or sales, which is 16.67% of the total, in accordance with this section.
12. The submitted plans show a retaining wall exceeding four feet in the side setback. This wall is to accommodate the grade change required for the underground parking facility. A special permit for a retaining wall higher than four feet is required per section 30-5(b)(4).
13. The applicant is proposing a below-grade parking garage for 30 cars under the proposed 26-unit multi-family dwelling. A 26-unit multi-family dwelling requires 52 parking stalls per section 30-19(d)(2). However, section 30-19(d)(2) allows the Board to grant a special permit to reduce the parking requirement from 2 stalls per unit to $1\frac{1}{4}$ stalls per unit. The applicant is requesting a special permit to reduce the parking requirement to 33 stalls, or $1\frac{1}{4}$ stalls per unit. Three of the required stalls will be surface parking located near the exit to Melrose Street.
14. Section 30-19(d)(18) states that the Board of Aldermen may grant a special permit to reduce the total number of required parking stalls by up to one-third in cases of a combination of three or more uses in a single, integrated development.
15. The applicant is proposing to maintain the 4,000 square feet of office space above the theatre, and to add an additional 2,586 square feet of office space above a proposed restaurant addition. Per section 30-19(d)(11), office uses require one stall per each 250 square feet of gross floor area. The 6,586 square feet of proposed office space requires 27 parking stalls. The applicant is proposing to construct 21 parking stalls, requiring a waiver of six stalls.
16. The Board of Appeals granted a variance in 1978 to allow for a theater use on the site. A condition of the variance limited the seating capacity to 200 persons. The applicant intends to maintain the

existing 200 seat theatre use. At the time the variance was granted, the site had a capacity for 18 vehicles and the ordinance required 95 stalls. While this use under the current ordinance requires 70 parking stalls per section 30-19(d)(13), the parking is grandfathered and does not require a waiver.

17. The applicant is proposing to expand the existing building housing the theatre to add a 100-seat restaurant. According to section 30-19(d)(13), a restaurant use requires one parking stall for every three seats, and one stall for every three employees at the highest shift. The applicant has not specified the number of employees anticipated to work at the highest shift, but six can be assumed for the purposes of the parking calculation. With 100 seats and six employees, the parking requirement would be 36 stalls. The applicant seeks to waive all of the parking stalls required for the restaurant use.
18. No lighting is shown on the submitted plans. Section 30-19(j)(1) addresses the requirements for lighting of parking facilities. The applicant shall either comply with the provisions of the Ordinance, or should seek a for a waiver from the requirements of 30-19(j)(1).
19. Section 30-19(k) requires bicycle parking facilities. There is currently no bike parking on site, or indicated in the submitted plans. A waiver from this section is required.

20. See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|---|--|---------------------------------|
| <i>Ordinance</i> | <i>Required Relief</i> | <i>Action Required</i> |
| | | Rezone property from MR2 to MU4 |
| §30-13(h)(2), Table B | To allow a restaurant with more than 50 seats | S.P. per §30-24 |
| §30-13(h)(2) Table B | To allow a multi-family dwelling with units at street level | S.P. per §30-24 |
| §30-13(h)(2) Table B | To allow a theater | S.P. per §30-24 |
| §30-13(j)(1-3) | To allow aggregate building size in excess of 20,000 square feet of gross floor area | S.P. per §30-24 |
| §30-15(w)(1) | To allow building height of 36 feet, and 3 stories | S.P. per §30-24 |
| §30-15(w)(4)(a) | Waiver for a front setback greater than 10 feet | S.P. per §30-24 |
| §30-15(w)(4)(b) | Waiver for side and rear setbacks less than 20 feet abutting MR1 district | S.P. per §30-24 |
| §30-15(w)(6)(b) | Waiver of 60% transparency requirement for the building facades | S.P. per §30-24 |
| §30-24(f) | Comply with the Inclusionary Housing Ordinance | 4 Units |
| §30-5(b)(4) | To allow a retaining wall in excess of 4 feet in the setback | S.P. per §30-24 |
| §30-19(d)(2) §30-19(m) | Permit reduction from 2 to 1¼ parking stalls/dwelling unit in an apartment house | S.P. per §30-24 |
| §30-19(d)(11) §30-19(d)(18) §30-19(m) | Waive 6 required parking stalls required for office use | S.P. per §30-24 |
| §30-19(d)(13) §30-19(d)(18) §30-19(m) | Waive 36 required parking stalls for restaurant use | S.P. per §30-24 |
| §30-19(k) §30-19(m) | Waive the requirement for bicycle parking facilities | S.P. per §30-24 |

Executive Summary

Vanasse Hangen Brustlin, Inc. (VHB) has completed a detailed traffic assessment to evaluate the potential impacts associated with the proposed mixed use development to be located at 283 Melrose Street in Newton, Massachusetts. The proposed building program includes a 225 seat theater, a 60 seat restaurant, 2,600 sf of office space, and 23 residential units. Access to the site is proposed via an egress driveway on Melrose Street, an entrance driveway on Ash Street, and an egress driveway on Ash Street. The existing Turtle Lane Playhouse on site formerly held theatre productions and has been inactive since 2013. As part of the project, the existing structure will be restored and expanded.

Based on the trip generation rates published in the Institute of Transportation Engineers *Trip Generation, 9th Edition*, the proposed development is projected to generate approximately 472 new vehicles per day (vpd) on a typical weekday. The corresponding new weekday morning and evening peak hour trip generation is 45 vehicles per hour (vph) (21 entering/24 exiting) and 59 vph (30 entering/29 exiting), respectively. On a Saturday, the proposed development is project to generate approximately 526 new vehicles per day (vpd), and the Saturday midday peak hour trip generation is 150 vph (82 entering/68 exiting). The traffic volumes projected to be generated by the proposed development will have minimal effect on traffic operations within the study area.

Detailed traffic analyses indicate that the majority of the study area intersections operate at acceptable levels of service under 2015 Existing conditions and will continue to operate at similar levels under the 2022 No-Build and Build conditions. Although the proposed development is projected to have minimal effect on area traffic operations, the proponent is committed to this community and as such is proposing the following improvements upon approval of the proposed project:

- On-site Transportation Demand Management (TDM) program to promote alternative modes of transportation and reduce traffic and parking demands for the site.
- Improve the pedestrian infrastructure along Melrose Street in front of the site. Under existing conditions, there is a section of sidewalk on the west side of Melrose Street just north of the site that is in disrepair. As part of the project, the Proponent will provide funding to connect the existing sidewalk to the sidewalk that is proposed along the site frontage on Melrose Street.



Overall, the study finds that site generated traffic will not have a significant effect on traffic operations within the study area and that the existing transportation infrastructure in the area, in conjunction with the proposed improvements, can adequately accommodate the traffic volumes projected to be generated by the proposed development.

**CITY OF NEWTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 283 Melrose Street

Date: January 26, 2015

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Stephen Pantalone, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*283 Melrose Street
Newton, MA
Prepared by: Peter Nolan & Associates LLC
Dated: 12/3/14*

Executive Summary:

The submitted plans are not stamped by a Massachusetts Professional Engineer. The site plan needs a North arrow and graphic bar scale.

The proposed plan indicates two separate structures to be built upon an acre site that is relatively flat. A turning template plan is needed for verification of the underground parking facility.

The submission shows various utility improvements including an on-site drainage system, however; no drainage report or hydrology study was submitted at the time for review and comment. The proposed driveway aprons have uncontrolled surface runoff to

the City streets. A site grading plan is needed that shows exiting grade and proposed grading. The plan also shows a ramp to underground parking facility under the residential building, however there is no retaining walls or proposed grades to verify the design. Furthermore, there is a heavy line that rings the residential building but is unclear as to what this line represents.

Site Access:

1. The maximum curb cut allowed is 22-feet wide, the site plan shows one curb cut that is 45-feet wide along Ash Street.
2. Fire truck turning template plan is needed, this plan must be submitted to both the Fire Department and the Traffic Division for review and comment.
3. All driveway aprons shall have ADA compliant ramps and sidewalks throughout the site.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.
3. A temporary safety fence is required around the entire site throughout the construction duration.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the project. The design of the proposed on site

drainage system needs to comply with the MassDEP Stormwater Regulations and City Ordinances.

2. A test pit and percolation test was shown on the site plan however no information was provided.
3. There is a 4" PVC pipe along the north side of the residential building but it is unclear as to what is the pipe's purpose?
4. The trench drain along the underground parking must be connected to the on-site drainage system via a gas trap.
5. All floor drains within the underground parking garage must be connected to the sanitary sewer service via a MDC oil & water separator in lieu of what is proposed.
6. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
7. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted to the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.
3. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. Use City of Newton Details in lieu of the details submitted they are in PDF format on the City's website.
4. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
5. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
6. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and

a written report is received by the City Engineer. *This note must be added to the final approved plans.*

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. An on-site fire hydrant may be required by the Fire Department.
3. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
4. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

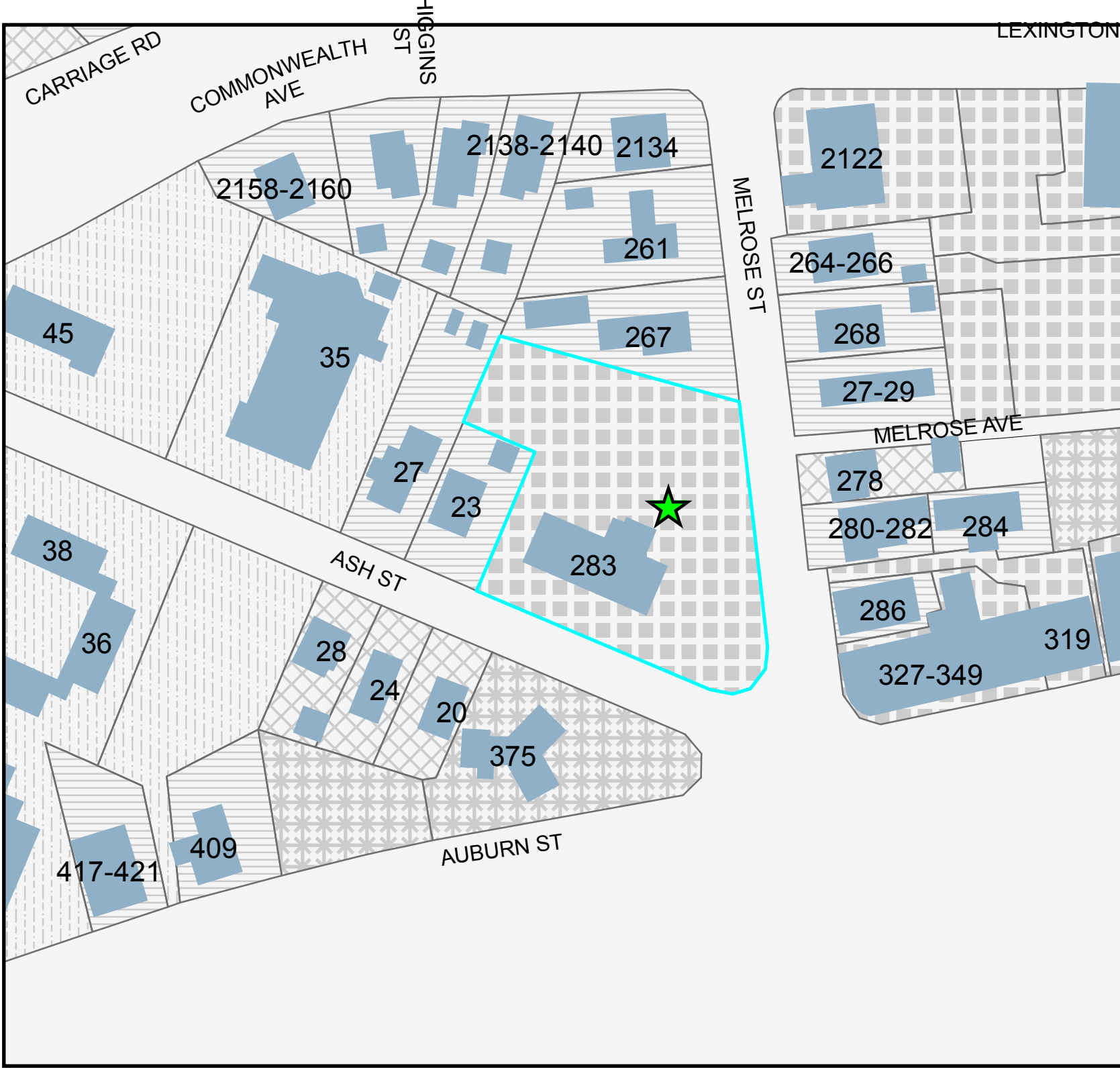
1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. Due to the total square footage of the building, a scale massing model will be needed.
4. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*

5. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
8. If a Certificate of Occupancy is requested prior to all site work being completed. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

Note:

If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.



Land Use Map

283 Melrose St.

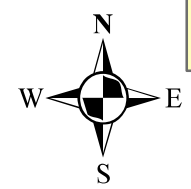
*City of Newton,
Massachusetts*

Legend

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Open Space
- Nonprofit Organizations

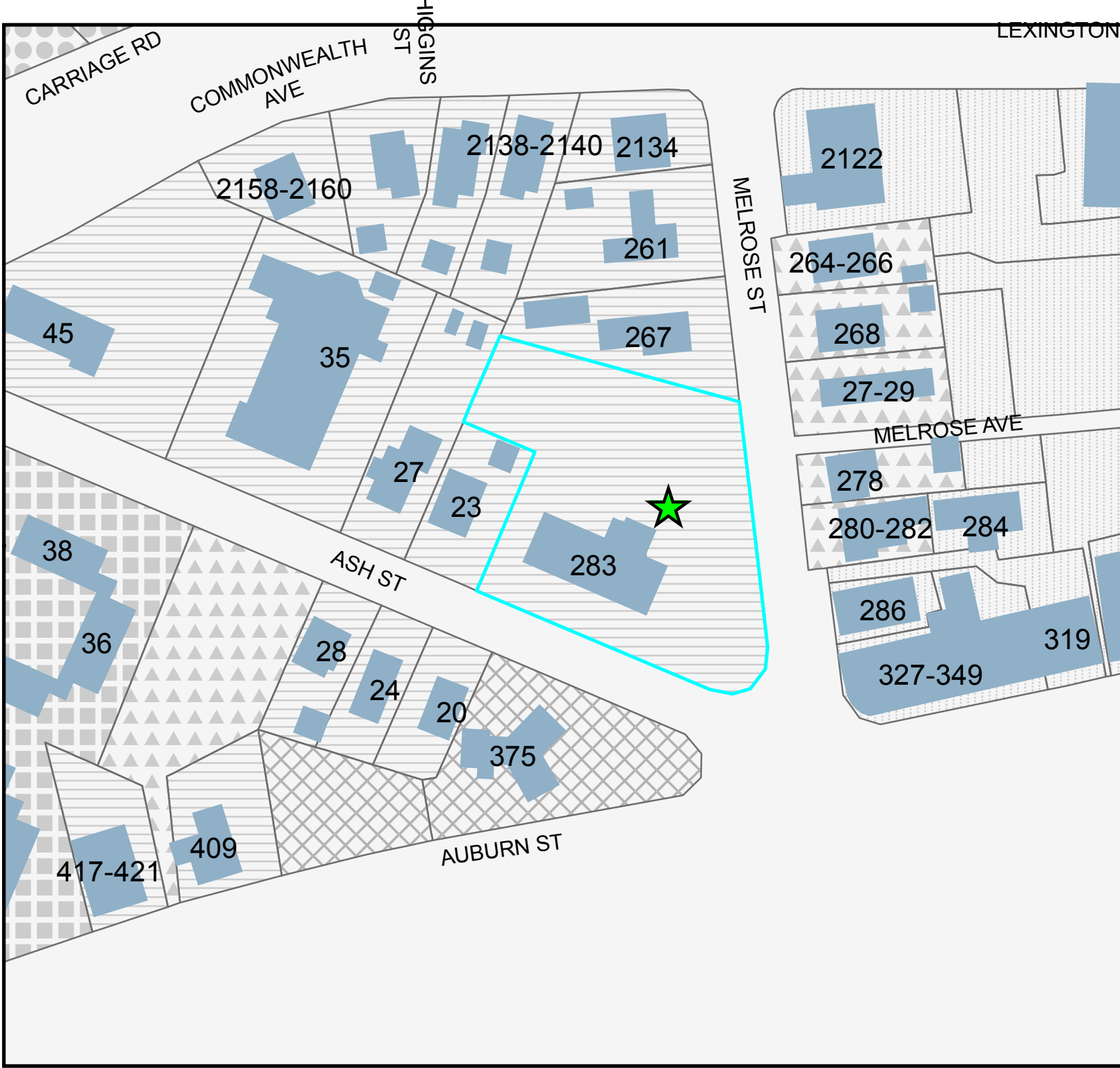
ATTACHMENT D



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield





Zoning Map

283 Melrose St.

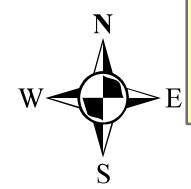
*City of Newton,
Massachusetts*

Legend

Zoning

- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Multi-Residence 3
- Business 1
- Public Use

ATTACHMENT E



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield





Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

ATTACHMENT F

Telephone
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(617) 796-1142
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(617) 796-1089
www.newtonma.gov

Candace Havens
Director

Newton Historical Commission Demolition Review Decision

Date: 1-28-14 Zoning & Dev. Review Project# 14010012

Address of structure: 283 Melrose Street

Type of building: theater

If partial demolition, feature to be demolished is South side former, north plan all

The building or structure:

is is not ✓ in a National Register or local historic district not visible from a public way.

is is not ✓ on the National Register or eligible for listing.

is is not ✓ importantly associated with historic person(s), events, or architectural or social history

is ✓ is not historically or architecturally important for period, style, architect, builder, or context.

is is not ✓ located within 150 feet of a historic district and contextually similar.

is **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is ✓ **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

 APPROVES the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

✓ **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

| |
|--|
| |
| |
| |

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is ✓ **PREFERABLY PRESERVED - (SEE BELOW).**

Delay of Demolition:

✓ is in effect until 1-24-15

 has been waived - see attached for conditions

Determination made by:

Setti D. Warren

1-28-14

Preserving the Past



Planning for the Future

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Candace Havens
Director

RECORD OF ACTION:

DATE: January 28, 2014

SUBJECT: 283 Melrose Street

At a scheduled meeting and public hearing on January 23, 2014 the Newton Historical Commission, by a vote of 6-0:

RESOLVED to find the building at 283 Melrose Street preferably preserved.

Voting in the Affirmative:

David Morton, Acting-Chair
Bill Roesner, Member
Jean Fulkerson, Member
Mark Armstrong, Member
Nancy Grissom, Member
Donald Tellalian, Alternate

A handwritten signature in black ink, appearing to read "Katy Hax Holmes", written over a horizontal line.

Katy Hax Holmes, Commission Staff